

DOD: 4-6-06		<p>LAYNE E. HAYDEN, Executor and Trustee, is Petitioner.</p> <p>Petitioner reminds the Court that he was advised not to distribute the Fremont Ave. residence until after the Estate Income Tax Clearance was issued by the Franchise Tax Board. The FTB issued their clearance on 12-31-13.</p> <p>Petitioner indicates Medi-Cal notification also and states Medi-Cal does not have a file on the decedent.</p> <p>Petitioner states the Weber Ave. property had a mortgage owed to Bayview and it was occupied by Sign-A-Rama, which was owned in part by beneficiary Jennifer Anooshian. Sign-A-Rama was responsible for paying a monthly rent in an amount sufficient to pay the mortgage plus insurance on the building. Bayview declared a default as Sign-A-Rama had ceased paying rent and insurance and there were no funds in the estate or trust from which to pay the mortgage and insurance. The Court was made aware that Bayview intended to foreclose, at which time the Court authorized the sale of the building. The property was sold for \$215,000.00. The business called Sign-A-Rama was previously distributed to the beneficiaries on 9-21-09.</p> <p>Petitioner states there were two Mrs. Fields Cookie Stores. Both were closed.</p> <p>Petitioner states the currently remaining assets consist solely of cash in the amount of \$23,429.89. Jennifer Anooshian has no interest in the cash assets and has been fully satisfied under the terms of the settlement agreement which provided for disbursement of the Fremont Ave. residence to her. Ms. Anooshian has also waived accounting.</p> <p>Beneficiary Matthew Lemos has not yet received the disbursement to which he is entitled under the settlement agreement (\$10,000.00).</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Petitioner Layne Hayden, Trustee and Executor, states his attorney of record, George Gingo, is no longer licensed to practice law in California as of 1-1-13; therefore, this petition is filed by Mr. Hayden, pro se.</p> <p>Minute Order 7-29-13: Mr. Gingo is appearing via CourtCall. Matter is continued to 9-16-13. Notice to be given to Attorney Robert E. Bergin.</p> <p>NEED CLARIFICATION:</p> <p>A pleading "Notice of Hearing" was filed 8-26-13; however, it is deficient for the following reasons:</p> <ul style="list-style-type: none"> - It is not on the <u>mandatory judicial council form</u>, as previously noted (See <u>NEEDS/PROBLEMS/COMMENTS on following pages</u>) - It does not include Attorney Robert Bergin, <u>per Minute Order 7-29-13</u> - <u>Attached to the "Notice of Hearing" is a document titled "AMENDED Motion to Disburse Funds and Close Estate" (with "AMENDED" crossed out by hand). This is not a photocopy of the motion filed 7-29-13 that is reviewed here. It is unclear if Petitioner intended to amend, or has served a different version of the petition on the parties. Need clarification.</u> 	
Cont. from 7-29-13				
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<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input checked="" type="checkbox"/>	FTB Notice			

SEE ADDITIONAL PAGES

SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed on: 7-25-13

Updates:

Recommendation:

File 1 – Lemos

Page 2

Petitioner states the remaining debts consist of two types: 1) Debts that are for administrative expenses; and 2) Debts for general operating expenses of Sign-A-Rama, the fictitious name as it was owned and operated by the Decedent.

Petitioner states the administrative debts are in excess of \$20,000.00, but upon agreement of the creditors, those debts are compromised at a lesser sum. The debt owed to the bookkeepers (Tamiyasu, Smith, Horn and Braun Accountancy Corporation) is \$5,000.00 and the debt owed to the accountant (Moore/Grider) is \$6,500.00.

The \$5,000.00 payable to Tamiyasu, Smith, Horn and Braun Accountancy Corporation will also cover the cost to prepare the final tax return.

Petitioner states the general debts are no longer owed because the statute of limits has now run on all these debts and because the Trustee has contacted these creditors and none of them had a record of debt owed by Decedent.

There will be \$2,400.29 remaining, a sum which Petitioner requests the Court permit be paid to Gingo & Orth for services rendered to the Trustee.

Petitioner requests the Court order the estate closed and the Trustee pay out the remaining \$23,429.89 as follows:

- **\$10,000.00 to beneficiary Matthew Lemos**
- **\$5,000.00 to Tamiyasu, Smith, Horn and Braun Accountancy Corporation**
- **\$6,500.00 to Moore/Grider; and**
- **\$2,400.29 to Gingo & Orth**

SEE ADDITIONAL PAGES

Page 3

NEEDS/PROBLEMS/COMMENTS:

Examiner's Note: Although there are numerous technical issues with the presentation and format of this report due to the extensive and convoluted history of this estate, consolidation with trust matter, and disposition of various assets along the way, Examiner is not pointing out such technicalities as issues here, as it appears the "basics" are addressed (POH, debts, Probate Code §9202), and there was a settlement agreement previously reached in December 2012 between Petitioner and beneficiary Jennifer Anooshian. However, the following items should be addressed:

1. Petitioner includes a "proof of service" in the petition indicating that he mailed a copy of the document, prior to filing, to Edward Fanucchi and Matthew Lemos.

However, Petitioner has not served the mandatory Judicial Council form DE-120 Notice of Hearing as required by Probate Code on all parties entitled to notice, including Attorney Robert E. Bergin of Caswell Bell & Hillison, pursuant to his Request for Special Notice filed 4-18-11.

Pursuant to Probate Code §1252, this matter cannot go forward unless notice is served as required.

Update: As noted on Page 1, a pleading-form "Notice of Hearing" was filed on 8-26-13; however, it is deficient for the following reasons:

- It is not on the mandatory judicial council form, as previously noted above.
- It does not include Attorney Robert Bergin, as previously noted above, and per Minute Order of 7-29-13.
- Attached to the "Notice of Hearing" is a different document than the document filed and reviewed here. The document attached is titled "AMENDED Motion to Disburse Funds and Close Estate" (with "AMENDED" crossed out by hand). This is not a photocopy of the motion filed 7-29-13 that is reviewed here. It is unclear if Petitioner intended to amend, but it appears that a different version of the petition has been served on the parties than what is reviewed here.

Therefore, need amended service. Need Notice of Hearing Form DE-120 with a copy of the petition if appropriate per law, with service on all interested parties, including per #2 below.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS (CONT'D):

2. Petitioner references the December 2012 settlement agreement and the extensive history of this estate, and proposes to pay the heir, Matthew Lemos, his share pursuant to the agreement, with the remainder to pay accountant fees and Petitioner's most recent attorney George Gingo. However, the Court may require authority for such priority.

Although this estate case was consolidated with the trust litigation, that does not negate the requirements applicable to estates. Petitioner does not address statutory compensation pursuant to Probate Code §10800 et seq., specifically with regard to the following:

- §10814 – apportionment of statutory compensation between attorneys by agreement
- Prior amounts paid or received

Examiner notes that the Inventory and Appraisal filed 5-30-07 totaled \$1,177,357.57 and included:

- \$197,163.48 in cash (various accounts)
- various securities
- 3 vehicles
- Miscellaneous personal property
- Assets of Sign A Rama, a sole proprietorship located at 2425 N. Weber (\$375,000.00)
- Assets of Mrs. Field's Cookies, a sole proprietorship, located at River Park and Fashion Fair (\$265,000.00)
- 70% General Partnership interest in Creative Group, located at 2425 N. Weber (\$90,000.00)

As stated above, due to the extensive and convoluted history of this estate, Examiner has not made issue of the fact that this report does not specify the disposition of each inventoried asset.

Rather, the purpose of this note is to point out that statutory compensation takes priority over distributions to beneficiaries per code, and would be \$24,773.58 based on the I&A, although it might be more or less based on gains or losses (which as far as Examiner is concerned might be near impossible to determine at this point).

However, Petitioner has been represented by multiple counsel over the course of this case, all of whom may be entitled to a portion of the statutory compensation, whatever that may be, regardless of the agreement that was ultimately reached between Petitioner and beneficiary Jennifer Anooshian.

Therefore, need authority for distribution as prayed, and notice to all others who may be entitled.

Update: Nothing further has been filed regarding this item.

Atty

David M. Gilmore and Ryan M. Janisse (for Cindy Snow Henry – Beneficiary – Petitioner)

Atty

Armo, Lance (for Robert Snow)

Atty

Paul Franco (for Louis Brosi, III)

Atty

Wilson, Joshua G. (of Bakersfield, for Louis Brosi, Jr.)

Notice of Motion and Motion to Compel Performance Under Settlement Agreement

Cont. from 121012,
010213, 020413,
030413, 031213,
041813, 051713,
062813, 081213

Aff.Sub.Wit.

Verified

Inventory

PTC

Not.Cred.

Notice of
Hrg

Aff.Mail

Aff.Pub.

Sp.Ntc.

Pers.Serv.

Conf.
Screen

Letters

Duties/Supp

Objections

Video
Receipt

CI Report

9202

Order

Aff. Posting

Status Rpt

UCCJEA

Citation

FTB Notice

CINDY SNOW HENRY, Trust

beneficiary, filed Notice of Motion and Motion to Compel Performance Under Settlement Agreement on 3-15-11.

The petition seeks to have the court order **LOUIS BROSI, III** carry out the acts necessary to partition the property into three parcels anticipated and directed by the settlement reached 3-5-09.

LOUIS BROSI, JR. filed Opposition on 4-28-11 stating that new issues have arisen since the settlement.

Minute Order 1-2-13: Mr. Wilson is appearing as counsel for Louis Brosi, Jr. Counsel requests a continuance. The Court sets a Settlement Conference for 2/4/13. Parties are directed to submit their settlement conference briefs along with courtesy copies for the Court by 1/30/13. Mr. Wilson is directed to submit any further objections by 1/30/13. The Court indicates to all counsel that it will entertain any order presented upon consent of the parties. Mr. Franco is directed to submit an order prior to 2/4/13 for the purpose of expediting the County process. Continued to 2-4-13 at 10:30am in Dept 303. Set on 2-4-13 at 10:30am in Dept 303 for Settlement Conference Re: Issue of Removing Louis Brosi, Jr.

NEEDS/PROBLEMS/COMMENTS:

Page 2A: Ms. Henry's Motion filed 3-15-11

Page 2B: Court Trial (Previously: Status Conference Re: Lot Split & Related Matters)

Page 2C: Ms. Henry's Petition filed 11-5-12

Page 2D: Settlement Conference Re: Issue of Removing Louis Brosi, Jr. (per Min Order 1-2-13 of Cindy Henry's Motion filed 3-15-11, Page 2A)

Note: CINDY SNOW HENRY filed a new Petition to Remove Trustee; Appoint Public Administrator as Trustee; Require Trustee Correct Title; and Compel Trustee to Account on 11-5-12 (Page 1C).

1. The Court may require updated information regarding whether Petitioner intends to pursue a ruling on this petition with reference to the new petition filed 11-5-12.

Reviewed by: skc

Reviewed on: 9-10-13

Updates:

Recommendation:

File 2A - Brosi

2B**Louis Brosi, Sr. (Trust)****Case No. 07CEPR01213**

Atty

David M. Gilmore and Ryan M. Janisse (for Cindy Snow Henry – Beneficiary – Petitioner)

Atty

Armo, Lance (for Robert Snow)

Atty

Paul Franco (for Louis Brosi, III)

Atty

Wilson, Joshua G. (of Bakersfield, for Louis Brosi, Jr.)

Court Trial (Previously: Status Conference Re: Lot Split & Related Matters)

Set on 121012, 010213, 020413, 030413, 031213, 041813, 051713, 062813, 081213			NEEDS/PROBLEMS/COMMENTS: <u>Note: This matter is set for Court Trial pursuant to Minute Order 12-10-12.</u> (Examiner kept this matter's place as "B" page to keep matters in order.) <u>Minute Order 12-10-12</u> <u>(Continued Status Conference Re: Lot Split & Related Matters):</u> Mr. Franco informs the Court that the issues have been resolved and the map has been filed with the County. Matter set for Court Trial on 1/2/13. The Court directs all counsel to file their briefs by 12/20/12.
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9202 Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: skc Reviewed on: 9-10-13 Updates: Recommendation: File 2B - Brosi			

2B

Petition to Remove Trustee; to Appoint Public Administrator as Trustee; to Require Trustee Correct Title; and to Compel Trustee to Account [Prob. C. 17200, 15642]

		CINDY SNOW HENRY , Trust beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> See Pages 2A (Continued hearing on Notice of Motion and Motion to Compel Performance under Settlement Agreement) and 2B (Court Trial re: Status of Lot Split and Related Matters). 1. Petitioner requests appointment of Public Administrator as Successor Trustee; however, it does not appear that the Public Administrator and County Counsel were sent Notice of Hearing or that an acceptance of trust has been signed pursuant to Probate Code §15600.										
		Petitioner states:											
Cont. from 010213, 020413, 030413, 031213, 041813, 051713, 062813, 081213		Background: The Testamentary Trust of Louis Brosi Sr., was created under Louis Brosi's last will and testament. Louis Brosi, Jr., is designated as the trustee of the trust. Petitioner Cindy Snow Henry is a beneficiary. On 3-5-09, the parties entered into a Settlement Agreement recited into the record for the Court; however, there is no settlement document independent of the transcript, attached.	<table border="1"> <tr><td colspan="2">Reviewed by: skc</td></tr> <tr><td colspan="2">Reviewed on: 9-10-13</td></tr> <tr><td colspan="2">Updates:</td></tr> <tr><td colspan="2">Recommendation:</td></tr> <tr><td colspan="2">File 2C - Brosi</td></tr> </table>	Reviewed by: skc		Reviewed on: 9-10-13		Updates:		Recommendation:		File 2C - Brosi	
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Reviewed on: 9-10-13													
Updates:													
Recommendation:													
File 2C - Brosi													
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		<p>Petitioner states the trustee has taken no action to comply with the Settlement Agreement or otherwise administer the trust since its entry. Instead, he has taken active steps to interfere with the Settlement Agreement, including, without limitation, trying to stop the efforts of Louis Brosi, III, to have the property split into three equal parcels as provided in the Settlement Agreement. The Court entered an order to enjoin that interference. In addition, the trustee has taken no steps in more than 3½ years to provide any inventory or accounting or taken steps to comply with the terms of the trust.</p> <p>He resides on the trust property without rent for his exclusive use and enjoyment of the property, and has provided no accounting or other information to the beneficiaries. He is utilizing trust property to run a commercial nursery for his own personal benefit and boarding horses on the property. See Exhibits 2 and 3 (photos).</p> <p>Petitioner states that on 9-30-11, a deed was recorded (attached) whereby the trustee, in his individual capacity, transfers the trust property to his minor granddaughter, Ashlyn Brosi. The trustee has represented at various times that he would rescind or otherwise correct the deed, but has not.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>											

Petitioner states the trustee is required to be represented by counsel: No person can appear in Court for another person unless the person is an active member of the State Bar. Cal. B&P Code §6125.

The Trustee is not represented by counsel at this time. Petitioner states "a trust is not a legal personality and the trustee is the proper person to sue or be sued on behalf of a trust. However, a trustee's duties in connection with his or her office do not include the right to present argument in *propia persona* in courts of the state, because in this capacity such trustee would be representing the interests of others and would therefore be engaged in the unauthorized practice of law. *Ziegler v. Nickel*, (1998) 64 Cal.App.4th 545, 548."

Petitioner states the trustee has cycled through numerous attorneys in this matter and alleges that he fires his counsel as means to further delay trust administration. As of the filing of this petition, the trustee is representing himself in *propia persona*. Such representation constitutes the unauthorized practice of law in California and is improper.

Petitioner seeks an order removing trustee on grounds that he refuses to retain counsel to represent the interests of others as beneficiaries of the trust as required by law, in addition to his repeated failures to perform his duties as trustee.

[Examiner's Update: Pursuant to Substitution of Attorney filed 12-10-12, the trustee is now represented by Joshua G. Wilson of Darling & Wilson, Bakersfield, CA.]

Petitioner requests order removing trustee for breach of trust and appointing Public Administrator as successor trustee. Petitioner states the court's inherent authority to suspend a trustee's powers and remove for cause (cites provided). A trustee has a duty to take reasonable steps to preserve trust property; however, he has purportedly transferred the trust property to his minor granddaughter. Transferring trust property to an individual who is to a beneficiary does not preserve trust property and is a violation of the trustee's fiduciary duty, and was done to avoid complying with the trust.

Petitioner states the trustee has a duty to not use or deal with trust property for his own benefit per §16004(a), but is currently residing rent-free and running two different businesses for his own personal profit on trust property, and transferred trust property to his granddaughter. All of these actions constitute violation of trust terms and his fiduciary duties, and trustee's duty to avoid conflicts of interest. He is engaged in self-dealing and no effort is made to account for his actions.

Petitioner also states hostility between the trustee and beneficiaries is good cause for removal (cite provided). The trustee's behavior towards all beneficiaries is hostile and has resulted in a contentious trust administration. Removal is also appropriate for his refusal to take any action to close the trust or account, and ignores the direction of the court. He has utterly and completely failed to act as trustee.

For the foregoing reasons, Petitioner requests the Court order the trustee's removal and appoint the Public Administrator as successor trustee.

Petitioner further requests the trustee be personally sanctioned for his actions. All of his actions are in bad faith as his stated goal is to avoid complying with the terms of the trust.

Petitioner states the trustee bears costs of removal and should bear his own attorney fees (cites provided).

SEE ADDITIONAL PAGES

Petitioner requests order compelling account. In addition to removal of the trustee, Petitioner requests the Court order him to account for his actions from the date of the Settlement Agreement (March 2009) through present.

Petitioner anticipates the trustee will argue he has no duty to account because accounting was waived in 2009'; however, this argument is fallacious because the waiver, if effective at all, is only as to events to the date of settlement. Since then, he has done nothing to administer the trust, violated numerous fiduciary duties, used the property for free, and ran at least two businesses on the property without accounting to beneficiaries.

Petitioner states the trustee should be surcharged for his undue gain for such breaches.

Petitioner prays for an Order as follows:

1. Removing Louis Brosi, Jr., as trustee of the Testamentary Trust of Louis Brosi, Sr.
2. Ordering Louis Brosi, Jr., account for his actions as trustee in the manner prescribed in Probate Code §1060-1064 from March of 2009 through the present;
3. Appointing the Public Administrator as successor trustee of the trust;
4. Ordering Louis Brosi, Jr., bear his own costs and attorney fees for defense of this action; Ordering Louis Brosi, Jr., retitle the Trust property in the name of the trust; and
5. For all other orders the Court deems just and proper.

Opposition filed 12-20-12 by Louis C. Brosi, III, states Mrs. Snow waived accounting in the Stella Brosi Estate and her undivided one-half of the western-most parcel is all that she will receive from the trust. In other words, Mrs. Snow has released all claims known and unknown against the trust and has waived an accounting.

The Court is familiar with the long sorted history of this family and this litigation, and is also aware that there have been allegations by all parties amongst each other, and against Mrs. Henry specifically, about causing delays. Over the last 12 months, significant progress has been made toward division of the property. Louis C. Brosi, III has been performing all of the division work as obligated under the Settlement Agreement. At this time, a tentative parcel map has been filed with the County of Fresno and the various public entities have begun their work towards approving the division and finalizing the map.

It has been too long in this process to remove Mr. Brosi as trustee now. Mrs. Henry is the only person advocating for his removal. Louis C. Brosi, III and Doris Brosi are against any such removal.

Objector states there is simply no basis for the removal. Mrs. Henry is not to receive any other money, land or benefit from the trust under the settlement agreement, so her request for accounting and the lack thereof as basis for removal is simply nonsensical. Her parcel has been cleared and no nursery, horse boarding or living by Mr. Brosi is happening on her expected parcel. The accounting is waived under the settlement agreement, so that is further reason why this is not a basis for removal.

It is understood Mr. Brosi is in the process of having title to the trust property reinstated.

If the genesis of Mrs. Henry's complaint is delays in administration, she hasn't seen anything if Mr. Brosi is removed and the public administrator is appointed. In fact, the public administrator was already previously appointed in this case, but was removed as part of the settlement. The parties are too close to the property being divided. He should not be removed at all. He is currently represented by counsel.

While Mr. Brosi's removal is objected to, if for any reason he should be removed, Objector requests DORIS BROSI be appointed trustee in his place.

2D Louis Brosi, Sr. (Trust)**Case No. 07CEPR01213**

Atty David M. Gilmore and Ryan M. Janisse (for Cindy Snow Henry – Beneficiary – Petitioner)
Atty Armo, Lance (for Robert Snow)
Atty Paul Franco (for Louis Brosi, III)
Atty Wilson, Joshua G. (of Bakersfield, for Louis Brosi, Jr.)

Settlement Conference Re: Issue of Removing Louis Brosi, Jr.

		NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> See minute orders from 020413, 030413, 031213, 041813 for history. Examiner notes are not prepared for Settlement Conference; however, please see Examiner Notes and history on Page 2A. <u>Note:</u> Bobby Snow, represented by Lance Armo, has never formally made appearance in this case. However, he has now filed a Trial Brief for this hearing date. \$435 is due.
Cont. from 020413, 030413, 031213, 041813, 062813, 081213		
Aff.Sub.Wit.		
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Notice of Hrg		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 9-10-13
		Updates:
		Recommendation:
		File 2D - Brosi

2D

(1) First and Final Report and Petition for Final Distribution on Waiver of Accounting, (2) for Statutory Compensation, and (3) for Extraordinary Compensation, and (4) for Extraordinary Compensation to Attorney [Prob. C. 10954, 11640 & 10800, 10810, 10811]

DOD: 8-28-11		ALEXIS SHARPTON , Administrator with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The extraordinary fee request includes \$48.00 for 0.8 hours for work performed by a legal assistant. Clerical assistance is considered by the Court per local rules to be a cost of doing business and not reimbursable. Note: Although the Probate Court and Cal. Rules of Court do allow for compensation for use of a paralegal as defined under B&P Code, this request does not include the information required by CRC 7.703 when requesting such compensation for paralegal assistance, such as the qualifications of the paralegal. Therefore, the extraordinary compensation will be reduced by \$48.00 to \$1,223.75. Examiner has interlineated the order.
		Accounting is waived.	
		I&A: \$236,533.02	
		POH: \$105,772.00 cash, real property on N. Cecelia in Fresno and vehicle	
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.		
✓	Notice of Hrg		
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	Sp.Ntc.		
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	Conf. Screen		
✓	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		
		Administrator (Statutory): Waived	
		Attorney (Statutory): \$7,730.66	
		Attorney (Extraordinary): \$1,271.75 for 5.25 attorney hours @ \$275/hr and 0.8 legal assistant hours @ \$60/hr associated with the sale of real property	
		Costs: \$1,185.00 (filing, publication, certified copies)	
		Closing: \$1,500.00	
		Distribution pursuant to intestate succession and agreement among heirs:	
		Alexis Sharpton: A 2/3 undivided interest in the residence, subject to the mortgage, a 1/3 undivided interest in the vehicle, and \$11,361.72 cash	
		Ashley Sharpton: A 1/3 undivided interest in the residence, subject to the mortgage, a 1/3 undivided interest in the vehicle, and \$31,361.72 cash	
		Amanda Sharpton: A 1/3 undivided interest in the vehicle and \$51,361.72 cash	
Reviewed by: skc Reviewed on: 9-12-13 Updates: Recommendation: File 3 - Sharpton			

Atty Knudson, David N., sole practitioner (for Petitioner Edwin S. Darden, Jr., Executor)

(1) First Account and Report of Executor, and (2) Report and Account of Special Administrator and (3) Petition for Preliminary Distribution, and (4) for Determination of Persons Entitled to Distribution, (5) for Allowance on Account of Statutory Executors and Attorney's Fees and for Extraordinary Compensation

DOD: 1/14/2013		EDWIN S. DARDEN, JR. , friend, Special Administrator appointed on 1/28/2013 whose Letters expired 2/26/2013, and Executor appointed on 2/26/2013, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need proposed order pursuant to Local Rule 7.1.1(F).— Submitted 9/13/2013. Note: Court will set a status hearing on Friday, March 28, 2014, at 9:00 a.m. in Dept. 303 for the status of filing the final account and petition for final distribution. Pursuant Local Rule 7.5, if the account is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required. ~Please see additional page~
Cont. from		Account period: 1/28/2013 – 7/31/2013	
<input type="checkbox"/> Aff.Sub.Wit.		Accounting - \$494,695.21	
<input checked="" type="checkbox"/> Verified		Beginning POH - \$492,097.97	
<input checked="" type="checkbox"/> Inventory		Ending POH - \$422,078.63 (\$146,430.63 is cash/equivalents/income fund)	
<input checked="" type="checkbox"/> PTC		Executor - \$6,500.00 (slightly exceeds 50% (\$6,446.95) of \$12,893.90 statutory fee)	
<input checked="" type="checkbox"/> Not.Cred.		Executor XO - \$8,725.00 (for initial clean-up and work on property @ \$1,375.00; work regarding security and demolition of residence @ \$3,000.00; meetings and negotiations of agreements with the various charitable organizations @ \$2,625.00; and sales of personal property @ \$1,725.00.)	
<input checked="" type="checkbox"/> Notice of Hrg		Attorney - \$6,500.00 (slightly exceeds 50% (\$6,446.95) of \$12,893.90 statutory fee)	
<input checked="" type="checkbox"/> Aff.Mail	W /	Attorney XO - \$2,672.50 (per Declaration and itemization for services in connection with appointment of special administrator totaling \$1,443.75 for 5.25 hours @ \$275.00/hour; funeral arrangements including interfacing between family members, totaling \$728.75 for 2.65 hours @ \$275.00/hour; for preparation of 2012 tax returns per Local Rule 7.18 totaling \$500.00.)	
Aff.Pub.		Costs - \$1,045.50 (paid) (Paragraph 18 of Petition refers to payment of court filing fees, publication, certified copy fees and costs incurred to date; see attached Schedule 3 for copy of Attorney bill itemization to suffice as Local Rule 7.17(C) requirement.)	
Sp.Ntc.		~Please see additional page~	
Pers.Serv.			
Conf. Screen			
Letters	022613		
Duties/S			
Objections			
Video Receipt			
CI Report			
9202			
<input checked="" type="checkbox"/> Order	✕		
Aff. Post			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Petitioner states:

- By Order Appointing Special Administrator entered 1/28/2013, Petitioner was authorized to take possession of real and personal property of the estate and preserve it from damage, waste and injury, including entering into arrangements for burglar alarm and security for Decedent's residence;
- Petitioner was also authorized to make and pay for funeral arrangements and disposition of Decedent's remains, retain agents to inventory, collect and prepare for the sale of Decedent's personal property;
- All creditor's claims filed were reviewed by the Executor and allowed; Notices of Allowances are on file; the claims totaling **\$5,407.75** have been paid from the estate
- Decedent's residence, though once a fine residence, had deteriorated over time and had a significant accumulation of junk, debris and garbage, which needed to be removed and which Petitioner arranged to have removed, and a burglar alarm was obtained for the residence, though it was subject to numerous break-ins; Petitioner arranged for private security service with **BRADFORD PARTNERSHIP** to protect the personal property in the residence and prevent break-ins and possible moving in of "squatters" into the residence; *[please refer to Schedule B, Disbursements showing total payments of \$16,592.00 to Bradford Partnership for security services];*
- Upon review of the residence, Petitioner determined it was in a significant state of disrepair, and neither the neighborhood nor the condition of residence warranted spending significant funds to restore it to livable condition, and it was determined the property was not likely saleable as a residence, but Petitioner was advised that (based on its location as "wrapped around" a corner gas station) the highest and best use of the property was for potential commercial development;
- There was significant personal property in the residence and Petitioner engaged **FRANK BRANDOW** of Big Valley Estate Sales to inventory and conduct an estate sale of the property, which after deducting commissions and expenses of sale from the gross **~\$24,000.00** sales, the estate realized a net of **\$12,392.00**; *[please refer to Schedule B, Disbursements showing total payments of \$11,290.00 to Frank Brandow for estate sale services];*
- To avoid continuing costs of ongoing security guard against vandalism and squatters that could have resulted in unlawful detainer proceedings, Petitioner determined to demolish the house, and obtained all necessary bids, asbestos reports, and City Historical Society determination of lack of historic value; ; *[please refer to Schedule B, Disbursements showing total payments of \$23,860.00 for asbestos removal and demolition];*
- Decedent's Will gives Petitioner authority to designate charitable organizations to receive the Decedent's estate, and required that the designations be made within 6 months of Decedent's death; Petitioner filed a **Declaration and Designation of Charitable Beneficiaries to Receive Gifts Under Will** on 7/11/2013, designating several organizations to receive assets for specific purposes (copy attached as Exhibit B), and the organizations are set forth on Exhibit C and [the organizations have received notice of this hearing per Proof of Service by Mail filed 8/15/2013].

Petitioner requests confirmation of designations:

- Petitioner requests the Court confirm that the organizations and entities designated by Petitioner are entitled to receive the Decedent's estate, upon the terms and conditions and for the uses and benefits set forth, subject to the right to modify the amounts as necessitated by the ultimate value of the estate;

~Please see additional page~

Petitioner requests confirmation of designations, continued:

- **Declaration and Designation of Charitable Beneficiaries** filed by Petitioner 7/11/2013 states the amounts designated are based on the value of the estate so far as known to Petitioner at this time, which includes unimproved real property that is listed for sale [at **\$350,000.00**], but the net proceeds to be received cannot be determined; Petitioner reserves the right to decrease and/or increase the amounts to the respective organizations based on final assets available in the administration of the estate; the following are designated to receive the residue of Decedent's estate:
 - **AMERICAN INSTITUTE OF ARCHITECTS**, San Joaquin Chapter, to be administered through the Fresno Regional Foundation, the sum of **\$50,000.00** for programs furthering creative design, in accordance with a program established and drafted through the AIASJ and Fresno Regional Foundation;
 - **FRESNO CAMERA CLUB**, of which Decedent was a long-time member, all of Decedent's camera equipment, with cash in the initial amount of **\$2,000.00**, contributed through another source;
 - **HINDS HOSPICE**, the sum of **\$50,000.00** as a pledge towards "naming rights" of the board room in the new Hinds Hospice headquarters building which shall be named in honor of Hanna S. Barsam, and in which some of his photography may be displayed;
 - **STATE CENTER COMMUNITY COLLEGE DISTRICT** and/or **STATE CENTER COMMUNITY COLLEGE FOUNDATION**, for the photography department at Fresno City College, the initial sum of **\$35,000.00** to establish an annual scholarship for a top student in photography and to establish a gallery for display of photographic art, in honor of Hanna S. Barsam, and other worthy photography students; in addition, a grant of matching funds, to match funds raised by the State Center Community College Foundation and/or Fresno City College to equip the President's Room for display of photographic art of Hanna S. Barsam in his honor, matching funds raised by the organization, dollar for dollar; the total to be matched not to exceed **\$65,000.00** or a total of **\$100,000.00** to **STATE CENTER COMMUNITY COLLEGE FOUNDATION** and/or Fresno City College;
 - **FRESNO ART [MUSEUM] /CENTER**, funds to establish a significant photographic art show, featuring noted photographers, and to provide an endowment to fund a significant exhibit every other year of quality photographic art; funds to be distributed: up to **\$200,000.00**;
 - Any excess funds over and above those mentioned may be distributed: (a) to the named organizations to augment the gifts and grants previously provided; and/or (b) **ST. AGNES [MEDICAL CENTER] /HOSPITAL**, Fresno; and/or (c) to the **CALIFORNIA ARMENIAN HOME**, Fresno.

Petitioner requests preliminary distribution of assets: Although the estate is not now in a condition to be closed, Petitioner requests the Court authorize preliminary distributions totaling **\$187,000.00** (including camera equipment appraised at **\$2,000.00**), as Petitioner believes it is appropriate, and the following distributions can be made to charitable organizations as follows:

- **AMERICAN INSTITUTE OF ARCHITECTS**, San Joaquin Chapter, to be administered through the Fresno Regional Foundation, the sum of **\$50,000.00** for programs furthering creative design, in accordance with a program established and drafted through the AIASJ and Fresno Regional Foundation;
- Petitioner has distributed the Decedent's camera equipment to the **FRESNO CAMERA CLUB**, at Petitioner's encouragement, the **FRESNO CAMERA CLUB** also received a cash gift of **\$2,000.00**; that distribution should be ratified and confirmed;

~Please see additional page~

Petitioner requests preliminary distribution of assets, continued:

- **HINDS HOSPICE**, the sum of **\$50,000.00** as a pledge towards "naming rights" of the board room in the new Hinds Hospice headquarters building which shall be named in honor of Hanna S. Barsam;
- **STATE CENTER COMMUNITY COLLEGE FOUNDATION**, the initial sum of **\$35,000.00** to establish an annual scholarship for a top student in photography at Fresno City College, and a gallery for display of photographic art, and additional funds up to a total of **\$65,000.00** on a matching basis, as funds are available in the estate;
- **FRESNO ART [MUSEUM] /CENTER**, funds to establish a significant photographic art show, featuring noted photographers, and to endow a significant exhibit every other year of quality photographic art; Petitioner's discussions with the Art Museum are ongoing, and Petitioner plans to distribute up to **\$50,000.00** initially and additional funds up to **\$150,000.00**, when the Fresno Art Museum is ready to receive it and funds are available in the estate;
- Petitioner **does not plan** to make [preliminary] distributions to the **CALIFORNIA ARMENIAN HOME** or **ST. AGNES [MEDICAL CENTER] /HOSPITAL** and/or its foundation at this time.

Petitioner states the above distributions, together with requested fees, will leave **~\$50,000.00** in the estate's account for additional distributions to the charities, including matching funds to **STATE CENTER COMMUNITY COLLEGE FOUNDATION**, and additional distributions to the **FRESNO ART MUSEUM**; Petitioner will retain a reserve for administrative expenses, to pay property taxes and liability insurance on the real property until it is sold and for closing expenses; the property is listed for sale at **\$350,000.00**.

NEEDS/PROBLEMS/COMMENTS, continued:

Note: *Petition* states the claim of Tim Zander [in the sum of **\$2,990.35**] was presented to Petitioner on 5/28/2013, and that "through inadvertence, the claim was approved but was not filed with the Court. Petitioner waives any defect in the filing of said claim." Court records show that the *Allowance of Creditor's Claim* submitted by Petitioner for the claim of Tim Zander was rejected by the Court on 8/20/2013 and therefore the allowance was not filed; filing of the *Allowance of Creditor's Claim* for this claim is required pursuant to Probate Code § 9250(b). However, Petitioner states the claim has been paid. It appears that despite the Court's 8/20/2013 rejection of the *Allowance of Creditor's Claim* submitted for Mr. Zander's claim (based upon his inclusion of post-death expenses in the claim), Petitioner exercised authority to pay the claim under 9250(e) and 9154. Receipts from each creditor for the paid claims have not been filed with the Court as stated in the *Petition*, though as the *Petition* states, even if they are not filed, they are listed as paid in *Schedule B, Disbursements*.

Note: Petitioner's proposed preliminary distribution appears to satisfy Probate Code § 11623(a)(2) providing that the aggregate of all property preliminarily distributed shall not exceed **50%** of the net value of the estate per the definition provided in the code. Additionally, it appears no loss or injury will be suffered by the estate, creditors, or any interested persons per Probate Code § 10520 if the Court allows the requested preliminary distribution.

**Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 06/30/2012		TOBY KUNISHIGE HARRISON , daughter, and GERALD L. TAHAJIAN , attorney, named executors without bond are petitioners. Full IAEA – o.k. Will dated: 06/01/2010 Residence: Fresno Publication: The Business Journal Estimated value of the Estate: Real property \$80,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: The following issues remain: 1. Need name and date of death of decedent's spouse pursuant to Local Rule 7.1.1D. 2. Need original will to be deposited with the Court pursuant to Probate Code §8200(a)(1). 3. Will is not self-proving. Need proof of Subscribing Witness. 4. The signature of the petitioner, Toby Kunishige Harrison, appears to be a copy on the petition. 5. Petitioner, Gerald L. Tahajian, did not sign the petition. 6. Need Confidential Supplement to Duties & Liabilities of Personal Representative for petitioner, Gerald L. Tahajian. 7. Need Letters. 8. Need Order. Note: The Court will set status hearings as follows. If the appropriate items are filed, the status hearings may be taken off calendar. • Friday, 02/07/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Friday, 11/14/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.
Cont. from 080813			
<input type="checkbox"/> Aff.Sub.Wit.	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/> Verified	<input type="checkbox"/>		
<input type="checkbox"/> Inventory	<input type="checkbox"/>		
<input type="checkbox"/> PTC	<input type="checkbox"/>		
<input type="checkbox"/> Not.Cred.	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Notice of Hrg	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Aff.Mail	<input checked="" type="checkbox"/> w/		
<input checked="" type="checkbox"/> Aff.Pub.	<input type="checkbox"/>		
<input type="checkbox"/> Sp.Ntc.	<input type="checkbox"/>		
<input type="checkbox"/> Pers.Serv.	<input type="checkbox"/>		
<input type="checkbox"/> Conf. Screen	<input type="checkbox"/>		
<input type="checkbox"/> Letters	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/> Duties/Supp	<input type="checkbox"/>		
<input type="checkbox"/> Objections	<input type="checkbox"/>		
<input type="checkbox"/> Video Receipt	<input type="checkbox"/>		
<input type="checkbox"/> CI Report	<input type="checkbox"/>		
<input type="checkbox"/> 9202	<input type="checkbox"/>		
<input type="checkbox"/> Order	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Aff. Posting	<input type="checkbox"/>		
<input type="checkbox"/> Status Rpt	<input type="checkbox"/>		
<input type="checkbox"/> UCCJEA	<input type="checkbox"/>		
<input type="checkbox"/> Citation	<input type="checkbox"/>		
<input type="checkbox"/> FTB Notice	<input type="checkbox"/>		
		Reviewed by: LV Reviewed on: 09/10/2013 Updates: Recommendation: File 5 – Kunishige	

**Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C.
1820, 1821, 2680-2682)**

Age: 64		<u>NO TEMPORARY REQUESTED</u>	NEEDS/PROBLEMS/COMMENTS:
		PATRICK E. SMITH , cousin is petitioner and requests appointment as Conservator of the person, with medical consent powers and for appointment as conservator of estate with bond set at \$17,000.00.	Court Investigator Advised Rights on 08/27/2013.
Cont. from		Estimated value of the Estate:	<u>Note:</u> If the petition is granted status hearings will be set as follows:
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Personal property - \$900.00	<ul style="list-style-type: none"> • Friday, 10/18/2013 at 9:00a.m. in Dept. 303 for the filing of the bond <u>and</u>
<input type="checkbox"/>	Inventory	Wages - \$700.00	
<input type="checkbox"/>	PTC	Annual Gross Income \$13,284.00	<ul style="list-style-type: none"> • Friday, 02/21/2014 at 9:00a.m. in Dept. 303 for the filing of the Inventory & Appraisal.
<input type="checkbox"/>	Not.Cred.	Total: - \$14,884.00	
<input checked="" type="checkbox"/>	Notice of Hrg	Declaration of Sergey Zakharyan, M.D supports request for medical consent powers.	<ul style="list-style-type: none"> • Friday, 11/21/2014 at 9:00a.m. in Dept. 303 for the filing of the first account.
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input type="checkbox"/>	Aff.Pub.	Petitioner states: Steven suffers from developmental disability. He is unable to perform complex tasks and has impaired abstract thinking. The petitioner has been the proposed conservatee's payee for SSI since 09/2010. He is unable to provide for his food, shelter, and clothing. He is unable to make informed medical decisions. A conservatorship is necessary to provide him with basic medical treatment and every day necessities.	Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv. w/	Steven is unable to manage his finances, he is the beneficiary of the Tune Family Trust. Attempts have been made to acquire a copy of the trust and an accounting of the trust. All attempts have been met with no response. A conservatorship of the estate is necessary to manage Steven's finances and represent him in an action to acquire information regarding his beneficial interest in the Tune Family Trust.	Reviewed by: LV Reviewed on: 09/12/2013 Updates: Recommendation: File 6 - Tune
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	Court Investigator Julie Negrete's report filed 09/09/2013.	
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 01/18/2012		DENNIS CRUZ , son, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD	
		No other proceedings	
Cont. from			
	Aff.Sub.Wit.	I&A - \$90,000.00	
✓	Verified	Decedent died intestate	
✓	Inventory	Petitioner requests Court determination that decedent's 100% interest in real property located at 543 San Gabriel Clovis, Ca. pass to Dennis Cruz pursuant to intestate succession.	
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/o	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LV
			Reviewed on: 09/11/2013
			Updates: 09/13/2013
			Recommendation: Submitted
			File 7 - Cruz

DOD: 07/13/2013		PAMELA J. STRONG , spouse/named executor without bond, is petitioner. Full IAEA – Not Published Will dated: 01/04/1990 Residence: Fresno Publication: The Business Journal Estimated value of the Estate: Real property \$321,124.00 Less encumbrances <u>-\$296,057.00</u> Total: \$25,067.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: 1. Each person named in the will must be listed on Section 8 of the petition. 2. Need proof of service of Notice of Petition to Administer Estate on: <ul style="list-style-type: none"> CW Strong, Jr. Eugene Enderson Pursuant to Probate Code §8110(b) 3. Petition requests full authority to administer estate under IAEA however it is not included in the publication pursuant to Probate Code §10451(c). Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> Friday, 02/14/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> Friday, 11/14/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: LV			
Reviewed on: 09/11/2013			
Updates:			
Recommendation:			
File 8 -Strong			

DOD: 02/16/2011	LESLIE A. FLETCHER , Trustee of the Judith Leslie Soley Trust, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	40 days since DOD	
Cont. from	Ancillary Small Estates proceedings have commenced in the State of Hawaii.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	I&A - \$70,000.00	
<input type="checkbox"/> Not.Cred.	Will dated: 01/16/2001	
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner requests Court	
<input checked="" type="checkbox"/> Aff.Mail	determination that decedent's 100% interest in real property located at 7474 Henness Road Ridge Yosemite Park, Ca. to Leslie Fletcher, Trustee of the Judith Leslie Soley Trust pursuant to decedent's will.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 09/11/2013
		Updates: 09/13/2013
		Recommendation: Submitted
		File 9 - Soley

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

Age: 89 years		TEMPORARY EXPIRES 9/16/2013	NEEDS/PROBLEMS/COMMENTS:	
		TOM COLLINS , friend, is petitioner and requests appointment as conservator of the person with medical consent powers and dementia powers.	<u>Court Investigator Advised Rights on 9/6/13</u>	
Cont. from		<p>Declaration of Marybeth Yuskauye, M.D. dated 8/22/13 supports request for medical consent and dementia powers for secured placement and the administration of dementia medications.</p> <p>Petitioner states the proposed conservatee suffers from dementia and requires care for all of her needs. She refuses all medications and in-home care. She has been assessed to have a high risk for injury and poor overall judgment due to dementia.</p> <p>Court Investigator Jennifer Daniel's Report filed on 9/9/2013.</p>	<p>Minute Order dated 8/22/13 for the hearing on the appointment of a temporary conservator states the petition is approved on the condition that Marion Weller not be moved from her residence without a noticed hearing or stipulation of the parties.</p> <ol style="list-style-type: none"> 1. Petition requests dementia powers however failed to include the dementia attachment stating which dementia powers are requested (i.e. placement, medications). 2. Petition does not request conservatorship of the estate however discloses that the conservatee has assets in excess of \$3,000,000.00. Court may require clarification. 3. Capacity Declaration of Dr. Yuskauye filed on 8/30/13 which includes the dementia attachment is a copy. Need original. 4. Capacity Declarations filed on 8/12/13 and on 8/30/13 are incomplete. They do not include the name, address and telephone number of the physician. 5. Confidential Conservator Screening form does not include Mr. Collins full social security number and full driver's license number. 	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input checked="" type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 9/12/13	
			Updates:	
			Recommendation:	
			File 10 - Weller	

Petition for Letters of Special Administration (Prob. C. 8002, 10450)

DOD: 05/22/13		<p>RANDI A. JEAN, daughter, is Petitioner and requests appointment as Special Administrator with any monies collected to be deposited into a blocked account [bond not addressed].</p> <p>Petitioner requests appointment as Special Administrator under Probate Code § 8544(a) and (b) for the purpose of: (1) taking possession of decedent's real and personal property to preserve it from damage, waste and injury; (2) Collect all claims, rents, and other income belonging to the estate; (3) Commence and maintain or defend suits or other legal proceedings; (4) Sell perishable property; (5) borrow money, or lease mortgage or execute a deed of trust on real property, in the same manner as an administrator; (6) pay the interest due or all or any part of an obligation secured by a mortgage, lien, or deed of trust on property in the estate. Petitioner states that the decedent owns several vehicles, real property and valuable construction tools and equipment, all of which was the separate property of the decedent. Petitioner alleges that the decedent's widow may be selling some of the property, transferring ownership of some of the vehicles, and living in the real property of the estate without paying rent. Petitioner believes the assets of the estate are in jeopardy of immediate conversion by Decedent's widow, without supervision of this Court and therefore, require immediate inventory and constant attention in order to safeguard and preserve them by collecting rent and preventing theft.</p> <p>Full IAEA – <i>not requested</i></p> <p>Decedent died intestate</p> <p>Residence: Selma Publication: N/A</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The Petition does not address bond, but requests that any funds collected will be placed into a blocked account. The Petition alleges that the assets of the estate consists of both real and personal property and annual income. The Court may determine that bond is necessary due to the nature of the assets unless waivers of bond are filed by all beneficiaries. If bond is required it should be set at \$792,100.00. The Petition is not marked at item 5(a)(7 or 8) regarding issue/no issue of a predeceased child. One of the limited powers requested includes to commence and maintain or defend suits and other legal proceedings; however, pursuant to Probate Code § 8544(c) except where powers, duties, and obligations of a general personal representative are granted under section 8545, the special administrator is not a proper party to an action on a claim against the decedent. The Petition was opened with a fee waiver. However, as it is alleged that the estate has assets, the Court may require payment of the filing fees (\$260.00 to date). Need Notice of Hearing and proof of service of Notice of Hearing at least 10 days before the hearing. Note: Proof of Service filed 09/12/13 is not on the <u>Mandatory Judicial Council Form</u> and does not appear to provide the Court with the necessary information to determine if notice was provided as required. The calculation of the total assets of the estate appears to be incorrect. Need Order & Letters. 	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			x
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			x
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			x
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
<p>Estimated Value of the Estate:</p> <p>Personal property - \$102,700.00 Annual income - 14,400.00 Real property - 675,000.00 Total - \$792,100.00 [Petition states \$859,200.00]</p>		<p>Reviewed by: JF</p> <p>Reviewed on: 09/11/13</p> <p>Updates: 09/12/13</p> <p>Recommendation:</p> <p>File 11 - Jean</p>		

Age: 88	NANCY QUEMADA LAU , daughter, was appointed Conservator of the Person and Estate without bond on 05/10/12. Letters were issued on 05/31/12.	NEEDS/PROBLEMS/COMMENTS: 1. Need First Account and Report of Conservator.
	Inventory & Appraisal filed 09/10/12 - \$481,000.00	
Cont. from	Minute Order from 05/10/12 set this matter for status regarding filing of the First Account and Report of Conservator.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed on: 09/11/13
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 12 - Quemada

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 12/7/11		<p>KIRK HAGOPIAN was appointed as Administrator with Full IAEA authority and without bond on 7/26/12.</p> <p>Minute Order dated 7/26/12 set this status hearing for the filing of the inventory and appraisal.</p> <p>Inventory and Appraisal, partial no. One with a value of \$80,268.71 was filed on 5/31/13</p> <p>Inventory and Appraisal, partial no. two with a value of \$62,337.78 was filed on 8/26/2013.</p> <p>Former Status Report filed on 6/19/2013 states in summary, the Administrator not having any experience with the handling of decedent's estate sought the advice of his longtime trusted friend and fellow church member, Leroy Combs of Fresno. Mr. Combs said the Administrator should request help from Gaylene Bolanos (another church member, whom the Administrator has known since the 1190s) and from another acquaintance, Jeff Jackson. It is alleged that Bolanos appropriated the estate funds to herself, her father and a fictitious "foundation" she established. The Administrator has obtained a copy of falsified documents which Bolanos created and used to get possession of the estate assets. The Administrator hired Fresno Attorney Jeff Hammerschmidt and paid Mr. Hammerschmidt \$9,500.00 of his personal funds as the requested retainer. The Administrator and the attorney met with the District Attorney hoping to spur and investigation. To date, the District Attorney has apparently not investigated. After attending the meeting with the District Attorney, Mr. Hammerschmidt has apparently done nothing further to pursue the case he was retained to handle. The Administrator has filed a partial inventory containing all the assets which he was able to gain possession.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Final Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p> <p>Note: Status Hearing for the filing of the first account or petition for final distribution was heard on 9/6/2013 and continued to 11/1/2013.</p>
Cont. from 120712, 062113, 072213			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: KT

Reviewed on: 9/11/13

Updates:

Recommendation:

File 13 - Smart

DOD: 12/05/12		SUSAN GARBERICK BAXTER , sister, filed a Petition for Probate on 12/13/12 seeking to admit a Will dated 10/05/12 to Probate and be appointed as Executor under such will.	NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u> Settlement Agreement and Mutual Release filed 08/30/13</p>	
Cont. from 081613				
Aff.Sub.Wit.				Opposition to Petition for Probate was filed 01/22/13 by Devon R. Gass. Susan Garberick Baxter was appointed Executor without bond on 02/04/13 and Letters were issued on 02/04/13. Minute Order from Settlement Conference re: Will Contest dated 06/10/13 states: Parties reach a settlement agreement as set forth by Ms. Shehadey. Parties agree that each grandchild as indicated will receive \$32,000.00. Said funds are to be placed in trust or other device as deemed satisfactory by Ms. Baxter. Payment to be made within 65 days. Parties agree that the costs will be taken from the \$32,000.00. The Court indicates for the minute order that this will be a settlement of all claims known and unknown. Upon inquiry by the Court, each party individually agrees to the terms and conditions of the settlement. The Court directs Ms. Shehadey to prepare the agreement for circulation to the parties.
Verified				
Inventory				
PTC				
Not.Cred.				
Notice of Hrg				
Aff.Mail				
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.				
Conf. Screen				
Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				
		Reviewed by: JF		
		Reviewed on: 09/10/13		
		Updates:		
		Recommendation:		
		File 14 – Garberick		

Age: 39		IDALIA PEREZ , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need <i>Notice of Hearing</i> . 2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> on Rafael Perez (conservatee). 3. Need Order. 4. Petitioner filed the Petition with a fee waiver for herself. However, the Court's fees are payable through the Conservatorship estate and not by the Conservator. Therefore filing fees in the amount of \$435.00 should be paid to the Court from the Conservatorship estate. Note: A status hearing will be set as follows: <ul style="list-style-type: none"> Friday, July 17, 2015 at 9:00 am in Dept. 303 for filing of the Fifth Account and Report of Conservator
		Account period: 05/01/11 – 04/30/13	
		Accounting - \$189,692.30	
		Beginning POH - \$90,510.08	
		Ending POH - \$81,821.95	
Cont. from		Conservator - addressed	
<input type="checkbox"/>	Aff.Sub.Wit.	on page 15B	
<input checked="" type="checkbox"/>	Verified	Petitioner states that the current bond in the amount of \$167,000.00 is sufficient.	
<input type="checkbox"/>	Inventory	Petitioner prays for an Order:	
<input type="checkbox"/>	PTC	1. Approving, allowing and settling the fourth account.	
<input type="checkbox"/>	Not.Cred.	Court Investigator Jennifer Daniel filed a report on 07/02/13.	
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: JF

Reviewed on: 09/11/13

Updates:

Recommendation:

File 15A - Perez

15A

Atty Perez, Idalia Esther (pro per – conservator/Petitioner)

Petition for Order Authorizing Payment of Conservator's Fees on Account

Age: 39		IDALIA ESTHER PEREZ , mother/Conservator of the Person and Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner requests authority to continue making monthly payments to herself for room and board for conservatee during the next accounting period. Petitioner believes that this is a reasonable fee in Fresno County for this living situation. Petitioner will provide room and board and upkeep of the house.	5. Need Notice of Hearing.
Cont. from		6. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> on Rafael Perez (conservatee).	7. Need Order.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	8. Petitioner filed the Petition with a fee waiver for herself. However, the Court's fees are payable through the Conservatorship estate and not by the Conservator. Therefore filing fees in the amount of \$435.00 should be paid to the Court from the Conservatorship estate.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Note: Petitioner filed this fee request as a separate Petition from her Fourth Account and Report of Conservator, therefore an additional filing fee in the amount of \$435.00 is due for this separate petition. Had Petitioner included this fee request as part of her Fourth Account, which this court routinely sees, only 1 filing fee would be due.	
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	x	Reviewed by: JF Reviewed on: 09/12/13 Updates: Recommendation: File 15B - Perez
<input type="checkbox"/>	Aff.Mail	x	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Petitioner states that the Conservatee requires 24 hour care. He currently has an outside caregiver weekdays from 7:00 am to 3:00 pm. The average hourly fee for the outside caregiver is \$10.00/hr. which petitioner has been paying through the conservatorship since 2005. The average monthly cost of the outside caregiver is \$1,600.00 per month. Petitioner is conservatee's caregiver at all other times.

Petitioner requests authority to continue making monthly payments to herself in the amount of \$1,000.00 for the care she provides. Petitioner has been paying herself this amount, after court approval, since 2011.

Petitioner prays for an Order:

1. Authorizing the conservator to continue to pay herself from the conservatorship estate the sum of \$700.00 per month for room and board during the upcoming account period; and
2. Authorizing the conservator to continue to pay herself from the conservatorship estate the sum of \$1,000.00 per month for services rendered as the primary care giver for the Conservatee during the upcoming account period.

Age: 16		NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
		JOSEPHINA GONZALEZ , Maternal Grandmother, is Petitioner.	<u>Continued from 7-1-13, 8-5-13</u>
			<u>Note:</u> This petition pertains to minor Elisa Monique Garcia only. Guardianship of minor Lina Lynn Longboy (10) was granted to Petitioner on 3-14-12.
Cont. from 07013, 080513		Father: ROQUE M. GARCIA - Diligence found 7-1-13	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Mother: GRACE DUFFY - Personally served 8-12-13	<u>Minute Order 7-1-13</u> (in pertinent part): Petitioner is directed to serve mother or submit declaration regarding her efforts to locate her. The Court finds that due diligence has been exercised as to the father. Petitioner is directed to cure the remaining defects of the Examiner Notes.
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Paternal Grandfather: Not listed - Notice waived 7-1-13	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Paternal Grandmother: Lupe Mandragon - Mailed service, no date provided	<u>Minute Order 8-5-13:</u> Petitioner is directed to provide notice to the mother.
<input checked="" type="checkbox"/>	Aff.Mail	Maternal Grandfather: Jess Camarillo - Notice waived 7-1-13	<u>Note:</u> Notice of Hearing filed 8-15-13 indicates the mother was served on 8-12-13. The following issues remain:
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen	Petitioner does not state a reason for guardianship (#9 is blank).	1. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or further diligence on: - Elisa Garcia (Minor, age 15)
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp	Court Investigator Charlotte Bien filed a report on 6-17-13.	2. Proof of service on Paternal Grandmother Lupe Mandragon is incomplete. The Court may require details regarding the person who served the documents (#2 of form) and the date of mailing (#4).
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		3. UCCJEA (GC-120) is incomplete. The Court may require amended UCCJEA.
<input checked="" type="checkbox"/>	Clearances		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		Reviewed by: skc
<input type="checkbox"/>	Status Rpt		Reviewed on: 9-10-13
<input checked="" type="checkbox"/>	UCCJEA	X	Updates:
<input type="checkbox"/>	Citation		Recommendation:
<input type="checkbox"/>	FTB Notice		File 16 – Longboy & Garcia

Atty Cualca, Sara Eliza Zarate (pro per – maternal grandmother/Petitioner)
 Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Ruben, 12	TEMPORARY EXPIRES 09/16/13		NEEDS/PROBLEMS/COMMENTS:
Yahaira, 10	SARA ELIZA ZARATE CUALCA, maternal grandmother, is Petitioner.		CONTINUED FROM 08/05/13 Minute Order from 08/05/13 states: Amparo Yebra is sworn and interprets for the Petitioner. The Petitioner is sworn for further inquiry by the Court. The Petitioner is directed to cure the defects. As of 09/10/13, the following items remain: 1. Need proof of personal service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: - Yeni Rodriguez Zarate (mother) - Ruben Sanchez (minor) 2. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: - Jose Isabel Rodriguez Castaneda (maternal grandfather)
Christopher, 8	Father (Ruben): RODOLFO SANCHEZ MARCIAL – Court Dispensed with further notice on 04/10/13		
Cont. from 060313, 080513	Father (Yahaira & Christopher): VICTOR ROJAS CASTELLANOS – Consent & Waiver of Notice filed 08/05/13		
Aff.Sub.Wit.			
✓ Verified	Mother: YENI RODRIGUEZ ZARATE		
Inventory			
PTC	Paternal grandparents (Ruben): UNKNOWN – Declaration of Due Diligence filed 04/15/13		
Not.Cred.	Paternal grandfather (Yahaira & Christopher): CONRADO ROJAS CORTEZ – Served by mail on 04/15/13		
✓ Notice of Hrg	Paternal grandmother (Yahaira & Christopher): JUANITA CASTELLANOS BARBAS – Served by mail on 04/15/13		
✓ Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	x		
✓ Conf. Screen	Maternal grandfather: JOSE ISABEL RODRIGUEZ CASTANEDA		
✓ Letters			
✓ Duties/Supp			
Objections	Petitioner alleges the mother moved to Mexicali to follow her husband who was deported. While in Mexico, she separated from her husband and began living with another man who is a drug addict. The mother is now abusing drugs and prostitutes herself. The mother's new boyfriend is abusive to the children. If the children were in Mexico with the mother, she would have all three of them begging in the streets.		
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice	Court Investigator Samantha Henson filed a report on 07/29/13.		
Reviewed by: JF			
Reviewed on: 09/10/13			
Updates:			
Recommendation:			
File 18 – Sanchez & Rojas			

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 9		<u>TEMPORARY EXPIRES 09/16/13</u>		NEEDS/PROBLEMS/COMMENTS:	
		DARRELL CARTER, SR. , paternal grandfather, is Petitioner.		<u>CONTINUED FROM 07/29/13</u>	
		Father: DARRELL CARTER, JR. - Personally served on 07/17/13*		Minute Order from 07/29/13 states:	
Cont. from 072913				Christine Asher from the Sober Living Program is also present in court. Mother objects to the petition. Matter continued to 09/16/13.	
	Aff.Sub.Wit.			1. Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:	
✓	Verified		Mother: EBONY JOHNSON	- Darrell Carter, Jr. (father)	
	Inventory		Paternal grandmother: ROSEMARY JOHNSON	*Proof of service filed 07/29/13 is incomplete (not filled out at all at items 3-6), lists 2 addresses and does not state a time that the documents were served. Further it appears that the Proof of service was signed by Darrell Carter, Jr. and not by the person who served the documents	
	PTC		Maternal grandfather: JB JOHNSON	- Ebony Johnson (mother)	
	Not.Cred.		Maternal grandmother: GWEN BABERS	2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:	
	Notice of Hrg	x	Siblings: EDEN JOHNSON, DARIEON CARTER, KEVIN CARTER (ages not stated)	- Rosemary Johnson (paternal grandmother)	
	Aff.Mail	x		- JB Johnson (maternal grandfather)	
	Aff.Pub.			- Gwen Babers (maternal grandmother)	
	Sp.Ntc.				
	Pers.Serv.	x			
✓	Conf. Screen		Petitioner alleges that the father was awarded custody of the minor last year, but neither parent is currently available to care for the minor. The parents have drug addiction issues and are either incarcerated or their whereabouts are currently unknown. The minor needs a stable environment that gives her the opportunity to succeed in life.		
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report		Court Investigator Jo Ann Morris filed a report on 07/18/13.		
	9202				
✓	Order				
	Aff. Posting			Reviewed by: JF	
	Status Rpt			Reviewed on: 09/11/13	
✓	UCCJEA			Updates:	
	Citation			Recommendation:	
	FTB Notice			File 19 – Carter	

Age: 1 year		TEMPORARY EXPIRES 9/16/13		NEEDS/PROBLEMS/COMMENTS:
		GENERAL HEARING 11/4/13		1. Need Notice of Hearing.
Cont. from		EMILY ODEKIRK , maternal grandmother, is petitioner.		2. Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition or Consent and Waiver of Notice or Declaration of Due Diligence on:
	Aff.Sub.Wit.	Father: UNKNOWN		
✓	Verified	Mother: SAVANNAH ODEKIRK		a. Savannah Odekirk (mother) b. Unknown father
	Inventory	Paternal grandparents: Unknown		
	PTC	Maternal grandfather: Ronald Odekirk		
	Not.Cred.	Petitioner states the mother is homeless and abusing drugs. In February petitioner went to Colorado to retrieve the minor at the mother's request, as she was unable to properly care for her. Mom signed a paper allowing her to take the minor to California. Within weeks mom contacted petitioner and demanded she return the minor. When petitioner refused to return the minor, mom went to the police and said that her daughter was missing and that she believed petitioner had abducted her. Petitioner went to CPS at the suggestion of the police. CPS investigated. A staffing was held at CPS and it was agreed that the minor would stay with the petitioner and petitioner would seek guardianship.		
	Notice of Hrg	X		
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: KT
				Reviewed on: 9/12/13
				Updates:
				Recommendation:
				File 20 - Odekirk

(1) First and Final Account and Report of Executor and Petition for its Settlement,
 (2) for Allowance of Compensation for Ordinary Services, and for (3) Final
 Distribution

DOD: 12/16/12		DAVID J. WILSON , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 12/16/12- 8/6/13	
Cont. from		Accounting - \$195,453.67	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$195,441.00	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$184,001.63	
<input checked="" type="checkbox"/>	Inventory	Executor - waives	
<input checked="" type="checkbox"/>	PTC	Attorney (statutory) - \$6,863.61	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Closing - \$1,000.00	
<input checked="" type="checkbox"/>	Aff.Mail	Distribution, pursuant to decedent's Will, is to:	
	Aff.Pub.		
	Sp.Ntc.	David J. Wilson - \$83,569.01	
	Pers.Serv.	and ½ of the persona property.	
	Conf. Screen	Catherine M. Gilmore - \$83,569.01	
<input checked="" type="checkbox"/>	Letters	and ½ of the persona property.	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 9/12/13
			Updates:
			Recommendation: SUBMITTED
			File 21 – Wilson